

Introduced by Senator TorlaksonFebruary 17, 2004

An act to amend Section 1150 of the Harbors and Navigation Code, relating to harbors.

LEGISLATIVE COUNSEL'S DIGEST

SB 1303, as introduced, Torlakson. Harbors: Board of Pilot Commissioners.

Existing law establishes in state government the Board of Pilot Commissioners, with jurisdiction over Monterey Bay and the Bays of San Francisco, San Pablo, and Suisun. Existing law requires that 2 members of the commission represent the industry and be substantial users of Monterey Bay and any of the waters of the Bays of San Francisco, San Pablo, or Suisun.

This bill would instead require those 2 members to be substantial users of any of the waters of the Bays of San Francisco, San Pablo, Suisun, or Monterey.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1150 of the Harbors and Navigation
- 2 Code is amended to read:
- 3 1150. (a) There is in the state government a Board of Pilot
- 4 Commissioners for the Bays of San Francisco, San Pablo, and
- 5 Suisun, consisting of seven members appointed by the Governor,
- 6 with the consent of the Senate, as follows:



1 (1) Two members shall be pilots licensed pursuant to this
2 division.

3 (2) Two members shall represent the industry and shall be
4 persons currently engaged as owners, officers, directors,
5 employees, or representatives of a firm or association of firms that
6 is a substantial user of pilotage service in ~~Monterey Bay~~ and the
7 Bay of San Francisco, San Pablo, ~~or Suisun~~, or *Monterey*, one of
8 whom shall be engaged in the field of tanker company operations,
9 and one of whom shall be engaged in dry cargo operations. The
10 board of directors of a regional maritime trade association
11 controlled by West Coast vessel operators that specifically
12 represents the owners and operators of vessels or barges engaged
13 in transportation by water of cargo or passengers from or to the
14 Pacific area of the United States shall nominate, rank, and submit
15 to the Governor the names of three persons for each category of
16 industry member to be appointed.

17 (3) Three members shall be public members. Any person may
18 serve as a public member unless otherwise prohibited by law,
19 except that during his or her term of office or within the two years
20 preceding his or her appointment, no public member appointed on
21 or after January 1, 1991, may have (A) any financial or proprietary
22 interest in the ownership, operation, or management of tugs, cargo,
23 or passenger vessels, (B) sailed under the authority of a federal or
24 state pilot license in waters under the jurisdiction of the board, (C)
25 been employed by a company that is a substantial user of pilot
26 services, or (D) been a consultant or other person providing
27 professional services who had received more than 20 percent in the
28 aggregate of his or her income from a company that is a substantial
29 user of pilot services or an association of companies that are
30 substantial users of pilot services. Ownership of less than
31 one-tenth of 1 percent of the stock of a publicly traded corporation
32 is not a financial or proprietary interest in the ownership of tugs,
33 cargo, or passenger vessels.

34 (4) Notwithstanding any other provision of law, nothing in this
35 chapter prohibits the Governor from notifying the nominating
36 authority identified in paragraph (2) that persons nominated are
37 unacceptable for appointment. Following that notification, the
38 nominating authority shall submit a new list of nominees to the
39 Governor, naming three persons, none of whom were previously
40 nominated, from which the Governor may make the appointment.

1 This process shall be continued until a person nominated by the
2 nominating authority and satisfactory to the Governor has been
3 appointed.

4 (b) Each of the members appointed pursuant to paragraphs (1)
5 and (2) of subdivision (a) shall be appointed for a four-year term,
6 and may not be appointed for more than two terms. Members
7 appointed pursuant to paragraph (3) of subdivision (a) shall be
8 appointed with staggered four-year terms with the initial four-year
9 terms expiring on December 31 of the years 1988, 1990, and 1991,
10 respectively, and no person may be appointed for more than two
11 terms. Vacancies on the board for both expired and unexpired
12 terms shall be filled by the appointing power in the manner
13 prescribed by subdivision (a).

14 (c) A quorum of the board members consists of four members.
15 All actions of the board shall require the vote of four members, a
16 quorum being present.

